

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1507-SLR
)	
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION)	
)	
Defendants.)	

**OBJECTIONS TO DEFENDANT BATH & BODY WORKS, INC.'S
NOTICE OF DEPOSITION OF TIMOTHY J. MARTIN**

Non-party Timothy J. Martin and plaintiff LP Matthews, L.L.C. object to defendant Bath & Body Works, Inc.'s January 6, 2006 Notice of Deposition under Fed. R. Civ. P. 30 (D.I. 173).

Mr. Martin is not a party to this action. Nor is he an officer of plaintiff LP Matthews.

Accordingly, he cannot be deposed pursuant to Rule 30 alone. Mr. Martin has not yet been served in connection with this matter.

Timothy Martin further objects to cumulative or duplicative examination. Plaintiff LP Matthews similarly objects to cumulative or duplicative examination, particularly since the defendants have made similar (though incomplete and unsubstantiated) invalidity contentions. Both Timothy Martin and LP Matthews note that the defendants have not attempted in advance to coordinate their subpoenas of non-party witnesses, though they have intimated an intent to "coordinate" depositions of non-parties that they have served with multiple subpoenas.

ASHBY & GEDDES

/s/ Lauren E. Maguire

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, Delaware 19899
Office: 302-654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

*Attorneys for Plaintiff LP Matthews, L.L.C.
and non-party Timothy J. Martin*

Of Counsel:

Ronald J. Schutz
Robins, Kaplan, Miller & Ciresi L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015
Office: 800-553-9910

Robert A. Auchter
Jason R. Buratti
Robins, Kaplan, Miller & Ciresi L.L.P.
1801 K Street, Suite 1200
Washington, D.C. 20006
Office: 202-775-0725

Dated: January 12, 2006
165567.1

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2006, the attached **OBJECTIONS TO DEFENDANT BATH & BODY WORKS, INC.'S NOTICE OF DEPOSITION OF TIMOTHY J. MARTIN** was served upon the below-named counsel of record at the address and in the manner indicated:

Richard L. Horwitz, Esquire
Potter Anderson & Corroon, LLP
Hercules Plaza, 6th Floor
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951

HAND DELIVERY

Arthur I. Neustadt, Esquire
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

VIA ELECTRONIC MAIL

Francis G.X. Pileggi, Esquire
Fox Rothschild LLP
Suite 1300
919 North Market Street
Wilmington, DE 19899

HAND DELIVERY

John Ward, Esquire
Ward & Olivo
708 Third Avenue
New York, NY 10017

VIA ELECTRONIC MAIL

/s/ Lauren E. Maguire

Lauren E. Maguire